



# RESTRICTION ELECTION FACSIMILE TRANSMISSION

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WANO

GROUP

DATE: JANUARY 7, 2000

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PAGES, INCLUDING COVERSHEET: 4

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TO EXAMINER: Dr. S. Devi

ART UNIT: 1641

SERIAL NUMBER: 09/207,188

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PATENT

Docket No. 2016-40051US1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Blake, M. S. et al.  
Serial No : 09/207,188  
Filed : December 8, 1998  
For : GROUP A STREPTOCOCCAL POLYSACCHARIDE  
IMMUNOGENIC COMPOSITIONS AND METHODS

Group Art Unit: 1641  
Examiner: Devi, S.

CERTIFICATE OF FACSIMILE TRANSMISSION

ASSISTANT COMMISSIONER FOR PATENTS  
Washington, D.C. 20231

ATTN: EXAMINER DEVI

Sir:

I hereby certify that the attached:

1. Response to Restriction Requirement

(along with any paper(s) referred to as being attached or enclosed) and this Certificate of Facsimile Transmission are being transmitted on date shown below to the: Assistant Commissioner for Patents, Attn: Examiner Devi, Washington, D.C. 20231.

Respectfully submitted,

MORGAN & FINNEGAN, L.L.P.

Dated: January 7, 2000

By. Darryl H. Sicensma  
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#4  
1-12-2000  
PATENT

Docket No 2016-4005US1

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants : MILAN S. BLAKE, ET AL.  
Serial No. : 09/207,188 Group Art Unit: 1641  
Filed : December 8, 1998 Examiner: S. Devi  
For : GROUP A STREPTOCOCCAL POLYSACCHARIDE  
IMMUNOGENIC COMPOSITIONS AND METHODS

**RESPONSE TO RESTRICTION REQUIREMENT**

COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

Sir:

In response to the restriction requirement mailed December 8, 1999, applicants provide the following comments and election. Claims 61-79 are present for examination and subject to restriction, according to the Examiner, to one of the following inventions:

Group I: Claims 61-72 drawn to a method of immunizing a mammal against group A streptococcal infection by administering a polysaccharide of formula I covalently linked to a protein.

Group II: Claims 73 and 74, drawn to an immune composition comprising opsonic antibodies that bind to a streptococcal polysaccharide of formula I.

Group III: Claims 75-79, drawn to a method of conferring passive immunity by administering a composition comprising opsonic antibodies that bind to a streptococcal polysaccharide of formula I

Applicants provisionally elect Group I, claims 61-72, with traverse. As is clearly obvious from the description of the claims above, the group A streptococcal polysaccharide of

Docket No. 2016-4005

Formula I is a unifying element of the claims. There are two criteria for a proper requirement for restriction between patentably distinct inventions:

(A) The inventions must be independent (see MPEP Section 802.01 Section 806.04, Section 808.01) or distinct as claimed (see MPEP Section 806.05 - Section 806.05(i));

and

(B) There must be a serious burden on the examiner if restriction is required (see MPEP Section 803.02 Section 806.04(a) - Section 806.04(i), Section 808.01(a), and Section 808.02).

Applicants assert that since patentability of the claims relates to the polysaccharide of Formula I, and that all claims have this element, there is not a serious burden on the Examiner to examine the claims as a whole. This is shown, for example, by the fact that the Group I claims and the Group III claims are both classified in class 424.

Therefore, reconsideration and withdrawal of the restriction requirement is respectfully requested.

#### AUTHORIZATION

No additional fees are believed necessary with this submission, however, if fees are required please charge any fees required in connection with this submission to Deposit Account No. 13-4500, Order No. 2016-4005US1.

Respectfully submitted,

MORGAN & FINNEGAN, L.L.P.

Dated: January 7, 2000

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